

**DECLARATION FOR PATENT APPLICATION
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below adjacent to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of subject matter (process, machine, manufacture, or composition of matter, or an improvement thereof) which is claimed and for which a patent is sought by way of the application entitled

OPTICAL SYSTEM FOR MEASURING SAMPLES USING SHORT WAVELENGTH RADIATION

which (check) ☐ is attached hereto.
☐ and is amended by the Preliminary Amendment attached hereto.
☒ was filed on November 19, 2003 as Application Serial No. 10/718,126
☐ and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No
N/A			<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date
60/429,441	November 26, 2002

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56,

which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)
N/A		

I hereby appoint the following practitioners to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

Customer No.: 36257

Please address all correspondence and telephone calls to:

James S. Hsue
PARSONS HSUE & DE RUNTZ LLP
 655 Montgomery Street, Suite 1800
 San Francisco, CA 94111
 Telephone: (415) 318-1160
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I declare that all statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and all statements made herein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties including fine or imprisonment or both as set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or this document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom.

Mehrdad Nikoonahad

Full name of joint inventor:

Inventor's Signature:

Date:

Residence: 271 Oakhurst Pl., Menlo Park, CA 94025

Post Office Address: same as above

Citizenship: USA

Full name of joint inventor:

Shing Lee

Inventor's Signature:

Date:

Residence: 45080 Parkmeadow Drive, Fremont, CA 94539

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Citizenship: USA

Full name of joint inventor:

Hidong Kwak

Inventor's Signature:

Date:

Residence: 2412 Denevi Dr., San Jose, CA 95130

Post Office Address: same as above

Citizenship: South Korea

Full name of joint inventor: Sergio Edelstein

Inventor's Signature: S. Edelstein

Date: 3/22/04

Residence: 117 El Altillo, Los Gatos, CA 95032

Post Office Address: Same as above

Citizenship: USA

Full name of joint inventor: Guoheng Zhao

Inventor's Signature: Guoheng Zhao

Date: 3/10/04

Residence: 1062 Starlite Dr. Milpitas, CA 95035

Post Office Address: same as above

Citizenship: People's Republic of China

Full name of joint inventor: Gary Janik

Inventor's Signature: Gary Janik

Date: 2/23/04

Residence: 362 Parkside Dr, Palo Alto, CA 94306

Post Office Address: same as above

Citizenship: USA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mehrdad Nikoonahad et al.
Title: Optical System for Measuring Samples Using Short Wavelength Radiation
Application No.: 10/718,126 Filing Date: November 19, 2003
Examiner: Not yet assigned Group Art Unit: 2877
Docket No.: TNCR.197US1 Conf. No.: Not yet assigned

San Francisco, California
April 19, 2004

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 19, 2004


Franklin Dyer

Mail Stop Petitions
COMMISSIONER FOR PATENTS
P. O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF JAMES S. HSUE IN SUPPORT
OF PETITION TO APPLY FOR PATENT UNDER 37 C.F.R. §1.47(a)**

Sir/Madam:

I, James S. Hsue, hereby declare as follows:

1. I am Patent Counsel representing KLA-Tencor Technologies Corporation, the owner of the above-identified application. On November 19, 2003, I mailed the above-referenced application to the United States Patent and Trademark Office for filing without a declaration.

2. On February 2, 2004, I spoke with one of the inventors of the above-referenced application, Mehrdad Nikoonahad, who indicated that he was willing to review the above-referenced application and then sign a declaration for the application. On the same day, a

complete copy of the above-referenced application as filed was mailed via Federal Express to Mehrdad Nikoonahad. A copy of the February 2, 2004 letter and the detailed tracking results from Federal Express are attached as Attachment 1. A declaration and assignment for the application were mailed via Federal Express on the next day to Mehrdad Nikoonahad. A copy of the February 3, 2004 letter and the detailed tracking results from Federal Express are attached as Attachment 2.

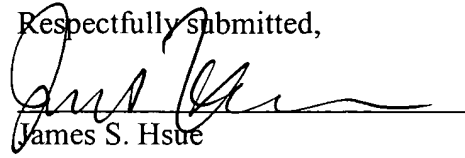
3. I spoke to Mr. Nikoonahad again on February 6, and understood that he received the documents we mailed to him on February 2, 2004 and on February 3, 2004 and he was prepared to review the documents. I spoke with Mr. Nikoonahad again on February 20 and February 24, 2004 to check on his progress. He indicated during our conversations on these two dates that he was not willing to sign the declaration and assignment in view of a dispute between him and KLA-Tencor Corporation in regard to payment for his time in reviewing the documents.

4. From the above, it is evident that a bona fide attempt has been made to present a copy of the application and declaration to Mehrdad Nikoonahad for signature, and that even though Mr. Nikoonahad had ample opportunity to review the patent application and declaration and to sign the declaration, he refuses to do so.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account 502664.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James S. Hsue', is written over a horizontal line.

James S. Hsue
Reg. No. 29,545